

The Department does not enforce violations of the Tax Increment Allocation Redevelopment Act. (This is a GIL).

July 13, 1999

Dear Mr. Xxxxx:

This letter is in response to your letter dated May 24, 1999. The nature of your letter and the information you have provided require that we respond with a General Information Letter, which is designed to provide general information, is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120(b) and (c), enclosed.

In your letter, you have stated and made inquiry as follows:

Your letter dated May 17, 1999, in response to my letter dated April 27, 1999, was helpful. On behalf of ORGANIZATION. I wish to thank you for your professional, prompt and helpful information.

There was one (1) issue in my letter dated April 27, 1999 that was not addressed in your letter of response. And that was; The conduct of CITY Village Trustee PERSON committing numerous irregularities that were contrary to the State Statute. These irregularities had been called to the attention of CITY Corporate Authorities to no avail, these fell upon deaf ears. The Village of CITY Corporate Authorities are so overly convinced of their own importance and overbearingly proud that there is an air of arrogance.

Attachment #3 of my letter dated April 27, 1999 quoted paragraph (n) of the Tax Increment Allocation Redevelopment Act of Ill., 65 ILCS 5/11 - 74.4 0 4.

Trustee PERSON had, on at least fifteen (15) different occasions, voted on **MATTERS** pertaining to the PROJECT Area (attachment #4 page I through V of my letter). His actions were and are contrary to Illinois Tax Increment Allocation Redevelopment Act, (paragraph (n) of Section 5/11-74.4-4, 65 ILCS).

Trustee PERSON and his family not only own properties within the Redevelopment Project Area they also operate a large successful business within this Redevelopment Project Area.

If your Department is unable to pursue violations of State Statute, Illinois 65 ILCS 5/11 - 74.4 - 4 paragraph (n), would you please provide ORGANIZATION with some direction to the appropriate Department that does have responsibility.

Subsection (n) of Section 11-74.4-4 of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-4, provides the following:

"(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first."

As you can see from the statutory provision, the limitations on involvement, voting, and communicating are limited to members of the corporate authority, members of certain commissions, or employees or consultants of the municipality *involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area* who own or control an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area. The Department does not enforce violations of the Tax Increment Allocation Redevelopment Act. However, you may wish to discuss your enforcement efforts with the Department of Commerce and Community Affairs, which serves as both a provider of technical assistance and the clearinghouse of information for tax increment allocation financing under the Tax Increment Allocation Redevelopment Act.

I hope this information is helpful. The Department of Revenue maintains a Web site, which can be accessed at [www.revenue.state.il.us](http://www.revenue.state.il.us). If you have further questions related to the Illinois sales tax laws, please contact the Department's Taxpayer Information Division at (217) 782-3336.

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If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of the enclosed copy of Section 1200.110(b).

Very truly yours,

Gina Roccaforte  
Associate Counsel

GR:msk

Enc.